

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FERMIN CORTEZ, on behalf of )  
themselves and all other similarly )  
situated individuals, et al., ) 8:08CV90  
)  
Plaintiffs, )  
)  
v. ) ORDER  
)  
NEBRASKA BEEF, INC., and )  
NEBRASKA BEEF, LTD., )  
)  
Defendants. )  
\_\_\_\_\_  
)

DAVID CHUOL, on behalf of himself )  
and all other similarly situated )  
individuals, ) 8:08CV99  
)  
Plaintiff, )  
)  
v. ) ORDER  
)  
NEBRASKA BEEF, Ltd., )  
)  
Defendant. )  
\_\_\_\_\_  
)

This matter is before the court following receipt of a jury questionnaire submitted by the parties in these two cases. The court has reviewed the same and finds as follows:

1. The parties' edited questionnaire will be sent to the prospective jurors selected for this case **only** if the parties' questionnaire is received by the Clerk of Court on or before **January 4, 2011**. The court will request potential jurors to return the completed questionnaires on or before **January 12, 2011**.

2. Second, there are numerous numbering mistakes in the current questionnaire.

The parties are instructed to make sure the numbering in the revised questionnaire is numbered correctly without the use of duplicative numbers.

3. The purpose of the pre-voir dire questions should be to elicit basic responses to general questions. This process is not designed to obtain lengthy essays; it is not designed to confuse prospective jurors; and it is not designed to influence jurors about the case. During the actual voir dire process, counsel are free to ask relevant follow-up questions regarding basic responses to questions posed by the court and by the parties. With this in mind, counsel are asked to make the following changes to the currently numbered questions:

- a. No. 8 - eliminate "please explain, including your duties and" - The line should read: "If yes, describe your position and how many people you supervise(d)."
- b. No. 13 - eliminate the phrase: "If Yes, please explain:"
- c. No. 23 - eliminate the phrase: "If Yes, please explain:"
- d. No. 24 - eliminate the phrase: "If Yes, please explain:"
- e. No. 29 - after the phrase "If Yes," add the words: "Is your opinion (please circle your choice): positive or negative?"
- f. No. 30 - eliminate the phrase: "If Yes, please explain:"
- g. No. 31 - Edit the last line as follows: "Is you opinion of class action lawsuits (please circle your choice) positive, neutral or negative?"
- h. No. 32 - eliminate the phrase "If you disagree, please explain:"
- i. No. 34 - eliminate the phrase "If Yes, please explain:"
- j. No. 35 - after the phrase: "If Yes," add the words: "Is your opinion (please circle your choice): positive or negative?"

- k. No. 36 - (the first one) - after the phrase: "If Yes, what is your opinion of this ordinance?" add the phrase: "Is your opinion (please circle your choice) positive, neutral or negative?"
- l. No. 38 - after the phrase, "If Yes," add the words: "Is your opinion (please circle your choice): positive or negative?"
- m. No. 45 - ask the juror to list the top two programs.
- n. Nos. 55 & 56, the second set - eliminate these questions.

The parties are free to submit a new questionnaire to the court with the above changes and are free to delete questions that are better designed if asked during voir dire.

SO ORDERED.

Dated this 30<sup>th</sup> day of December, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge